

Public Chapter 104

HOUSE BILL NO. 1801

By Representatives Gunnels, McDaniel, Stamps, Davis

Substituted for: Senate Bill No. 1932

By Senators Miller, Atchley, McNally, Jordan, Koella, Ramsey, Carter, Elsea, Person, Leatherwood, Crowe, Williams

AN ACT to amend The Tennessee Employment Security Law, Tennessee Code Annotated, Section 50-7-207(b)(7)(B); Section 50-7-207(c); Title 50, Chapter 7, Part 6 and Section 50-7-701(a)(1).

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-7-207(b)(7)(B), is amended by deleting the language in such subdivision in its entirety and substituting instead the following new language:

"[Deleted by 1997 amendment.]"

SECTION 2. Tennessee Code Annotated, Section 50-7-207(c)(13), is amended by inserting between the language "by a direct seller" and the language "if:" the following new language:

", including an individual engaged in the trade or business of the delivering or distribution of newspapers or shopping news,"

SECTION 3. Tennessee Code Annotated, Section 50-7-207(c), is amended by adding the following language as a new subdivision (17):

" (17) Such service performed on or after January 1, 1995, by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to Sections 214(c) and 101(a)(15)(H) of the Immigration and Nationality Act."

SECTION 4. Tennessee Code Annotated, Title 50, Chapter 7, Part 6, is amended by adding the following new Section designates as Section 612:

"Food stamp overissuance deduction. - (a)(1) An individual filing a new claim for unemployment compensation shall, at the time of filing such claim, disclose whether or not the individual owes an overissuance, as defined in section 13(c)(1) of the Food Stamp Act of 1977, of food stamp benefits. The commissioner shall notify the state food stamp agency enforcing such obligation of any individual who discloses that such individual owes food stamp overissuances and who is determined to be eligible for unemployment compensation.

(2) The commissioner shall deduct and withhold from any unemployment compensation payable to such individual who owes an uncollected overissuance of food stamp benefits:

(A) the amount specified by the individual to the commissioner to be deducted and withheld under this clause, or

(B) the amount, if any, determined pursuant to an agreement submitted to the state food stamp agency under section 13(c)(3)(A) of the Food Stamp Act of 1977, or

(C) any amount otherwise required to be deducted and withheld from unemployment compensation pursuant to section 13(c)(3)(B) of such Act.

(3) Any amount deducted and withheld under this section shall be paid by the commissioner to the appropriate state food stamp agency.

(4) Any amount deducted and withheld under subdivision (2) shall for all purposes be treated as if it were paid to the individual as unemployment compensation and be treated as if it were paid by such individual to the state food stamp agency as repayment of the individual's uncollected overissuance of food stamp benefits.

(5) For purposes of this section, the term "unemployment compensation" means any compensation payable under this Act including amounts payable by the commissioner pursuant to an agreement under federal law providing for compensation, assistance, or allowances with respect to unemployment.

(6) This section applies only if arrangements have been made for reimbursement by the state food stamp agency for the administrative costs incurred by the commissioner under this section which are attributable to the repayment of uncollected overissuances to the state food stamp agency."

SECTION 5. Tennessee Code Annotated, Section 50-7-701(a)(1), is amended by deleting the language in such subdivision in its entirety and substituting instead the following new language:

"(a)(1) Each employing unit shall keep true and accurate work records, for such periods of time and containing such information as the commissioner may prescribe. Such records shall be open to inspection and be subject to being copied by the commissioner or the commissioner's authorized representative at any reasonable time and as often as may be necessary.

(A) The commissioner, the board of review or an appeals referee may require from a claimant all necessary information to process such claimant's claim and may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which any of them deem necessary for the effective administration of this chapter.

(B) Information thus obtained pursuant to the administration hereof shall be held confidential and shall not be published or be open to public inspection in any manner revealing the individual's or the employing unit's identity, other than:

(i) to the extent necessary for the proper presentation of a claim for unemployment insurance benefits;

(ii) to public employees in the performance of their public duties;

(iii) to state and local child support agencies for the enforcement, collection and establishment of child support obligations, for the location of child support obligors, and for the establishment of paternity. Information disclosed to such state and local child support agencies may be provided by them to their duly authorized agents, working under contract or otherwise, provided that the information provided to such agents is limited to only information on individuals who are child support obligors or who are sought for establishing paternity, and such information is used only for the purposes of establishing and collecting child support obligations, locating child support obligors, and establishing paternity. Any agent of a state or local child support agency who receives information under this section shall be required to comply with all regulations, restrictions and safeguards provided in Section 303(e)(1)(B) of the Social Security Act as determined in regulations issued by the U. S. Secretary of Labor;

(iv) to any party or such party's legal representative at a hearing before an appeals referee or the board of review to the extent necessary for the proper presentation of a claim. Any documents, records, affidavits, testimony, or other information introduced into the record at any hearing before an appeals referee or the board of review shall not be held confidential and shall be open to public inspection, unless expressly prohibited by other state or federal law or by administrative or judicial protective order. Hearings before an appeals referee or the board of review will be open to the public subject to such rules as the board of review may prescribe in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and applicable federal law.

(C) Any employee or member of the board of review or any employee of the commissioner or any public employee in the performance of his public duties or any employee, official or agent of a state or local child support agency who has received such information who violates any provision of this section commits a Class C misdemeanor."

SECTION 6. This act shall take effect upon becoming law, the public welfare requiring it.